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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,712	12/07/2001	Rinaldo Mezzalana	M38-024	4728

7590 04/20/2004
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EXAMINER

HOOK, JAMES F

ART UNIT PAPER NUMBER

3752

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/009,712	Applicant(s) MEZZALIRA, RINALDO
	Examiner James F. Hook	Art Unit 3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 9-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group I in Paper No. 6 is acknowledged. The traversal is on the ground(s) that the groups have the same special technical features. This is not found persuasive because clearly the technical features of the method claims are directed toward the special technical features directed to making lengths of tubing with the technical features of the methods steps clearly set forth including various processes including cutting, weaving, extruding at specific speeds all of which are not set forth as technical features in the article claims where the article claims specific technical features are directed toward tube structure and not concerned with the method in which it was achieved, therefore the technical features are not considered the same in both groups and the restriction is still considered to be applicable.

The requirement is still deemed proper and is therefore made FINAL.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Vohrer (EP 118,613). The patent to Vohrer discloses the recited multiple layer reinforced flexible hose comprising (as seen in figures 1-3 and 5) at least one first inner tubular layer 1,1a,1b made of an extruded plastic material, at least one second outer tubular layer 2,2a,2b made of an extruded plastic material, a tubular reinforcement 4 between the layers made of a textile material, the layers are homogeneously joined to define a wall having an overall predetermined thickness an end portion of the wall having an increased thickness along a longitudinal portion 9,15,23,24 for sealing at the end of the tube whose full length is L2 to some sort of fixture considered connection organs, where the increase in thickness in the areas 9,15,23,24 is considered linear till it reaches the point near the free ends where portion 10,16,25,26 changes non-linearly within this larger thickness portion provided in the longitudinal portion, where figure 1 shows the thickness change localized on the outer member, figure 2 shows the thickness change localized on the inner member, and figure 3 shows the thickness change localized on both the inner and outer members.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vohrer (EP 118,613) in view of Phillippi. The patent to Vohrer discloses all of the

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recited structure with the exception of forming the first and second layers of different colors. The patent to Phillippi discloses that it is old and well known to provide an inner layer 13 of one color, an outer layer 14 of another color and a reinforcing layer 15 there between, where the different colors for the different layers allows the user to notice wear more easily. It is considered an obvious choice of mechanical expedients to color certain parts of the length differently too as such would provide for a more colorful hose as such is merely a choice of mechanical expedients. It would have been obvious to one skilled in the art to modify the inner and outer layer of Vohrer to be formed of plastic of different colors to allow the user the ability to notice wear more easily as suggested by Phillippi.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vohrer (EP 118,613) in view of Ruskin. The patent to Vohrer discloses all of the recited structure set forth above with the exception of providing an extra layer of a specific material to provide technical or aesthetic features to the hose. The patent to Ruskin discloses a multilayer hose comprising various layers including an inner layer 32, an outer layer 34, and a cover layer 36 which can be provided with a UV absorber to help shield against UV light. It would have been obvious to one skilled in the art to modify the two layer tube of Vohrer by adding additional layers where a layer can be provided over a second layer and be provided with a UV shielding material to help prevent deterioration by UV light as suggested by Ruskin, where such would allow the tube to be used outdoors without further worry of failure due to exposure to the sun and UV rays.

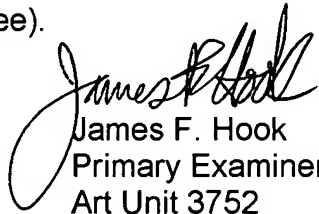
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Welsby, Ouchi, Thomas, Salinas, Pfleger, Stammen, Fukui, van Muiden, Takahashi, and De Meyer disclosing state of the art reinforced tubing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James F. Hook whose telephone number is (703) 308-2913. The examiner can normally be reached on Monday to Wednesday, work at home Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mar can be reached on (703) 308-2087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


James F. Hook
Primary Examiner
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